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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,045

06/29/2006

Konrad Roeingh

HM-729PCT

2579

40570 7590 12/16/2008  
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EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

12/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,045	<b>Applicant(s)</b> ROEINGH ET AL.	
	<b>Examiner</b> Vishal Patel	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3676

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/08 has been entered.

### ***Election/Restrictions***

2. Newly submitted claim 6 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 6 is directed to a process, which was not the originally filed invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 6 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

This election/restriction is made final

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Robotham (US. 6,375,195).

Art Unit: 3676

Robotham clearly discloses all the limitations of claims 1 and 4-5. For example a device having a sealing ring (e.g. 6), roll neck or roll bush (e.g. 4), a holder (e.g. 14) having elastic sealing elements (e.g. 13a-13b), the sealing elements are supported by the body 13 or springs in the sealing elements and a chock (e.g. 9). The sealing ring (e.g. 6) having a sealing surface that is coated with metal (e.g. column 2, lines 65-68). The sealing ring is fastened to the roll neck (e.g. column 2, lines 63-65, the sealing ring is fastened since it rotates on the roll neck after being mounted on the roll neck). Furthermore the member 5 prevents the sealing ring from moving axially.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham in view of Draskovich et al (e.g. 5,544,897).

Robotham disclose the invention substantially as claimed above but fail to disclose that the sealing surface is nitrided (particular process of nitriding is considered to be method limitation and given little patentable weight in an apparatus claim particular a nitrided coating is taught).

Draskovich discloses a device having a sealing element (e.g. 22) contacting a sealing ring (e.g. 32) that has a coating of nitrided (e.g. 42). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the metal coating (e.g. chrome coating)

Robotham to be replaced by a nitrided coating as taught by Draskovich, since having one metal

Art Unit: 3676

coating replaced by another is considered to be art equivalent (column 3, lines 4-5 of Draskovich).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham in view of Yoshida (US. 7,063,193).

Robotham discloses the invention substantially as claimed above but fails to disclose that the coating is an oxidized coating. Yoshida discloses a sealing element (e.g. 127e) that contact a sealing surface that is coated with an oxidized coating (figure 7, sealing surface 200 having an oxidized coating, column 15, lines 29-47). It would have been obvious to one having ordinary skilled in the art at the time of the invention to have the coating of Robotham to be replaced by an oxidized coating as taught by Yoshida, to provide a sealing surface that has anti-wearing property, corrosion resistance property and heat-resistance property (column 15, lines 40-41 of Yoshida).

### ***Response to Arguments***

8. Applicant's arguments filed 10/14/08 have been fully considered but they are not persuasive.

Applicants' argument that the sealing ring of Robotham is not fastened to the roll neck or the neck bush is not persuasive because Robotham teaches in column 2, lines 63-65).

Applicants' argument that Robotham fails to disclose a rolled sealing surface is not persuasive because the surface 7 is the rolled sealing surface (e.g. the surface 7 is horizontal and annular form).

Art Unit: 3676

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./

Primary Examiner, Art Unit 3676

/Vishal Patel/

Primary Examiner, Art Unit 3676